REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-36, 38-88, 102, 103, and 106-134 are pending in this case. Claims 1, 3, 4, 8, 11, 16-19, 21, 23, 25, 29, 31, 33-36, 102, and 103 are amended, and Claims 2, 37, 104, and 105 are canceled without prejudice or disclaimer, and new Claims 133 and 134 are added by the present amendment. As amended Claims 1, 3, 4, 8, 11, 16-19, 21, 23, 25, 29, 31, 33-36, 102, and 103 and new Claims 133 and 134 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Office Action, Claims 2, 3, 8, 11, and 19-21 were rejected under 35 U.S.C. §112, second paragraph; Claims 29, 30, 36, 37, and 102-105 were rejected under 35 U.S.C. §101; Claims 1-6, 8, 15-17, 21, 23-26, 28, 29, 31-37, and 102-105 were rejected under 35 U.S.C. §102(b) as anticipated by Dorricott et al. (Great Britain Patent No. 2 312 078, hereinafter "Dorricott"); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Dorricott in view of Wilkinson ("Linking Essence and Metadata in a Systems Environment"); and Claims 9-14, 18-20, 22, 27, and 30 were rejected under 35 U.S.C. §103(a) as unpatentable over Dorricott.

Initially, with regard to the withdrawal of Claims 107-132, it is respectfully submitted that these claims recite the generation of metadata, in accordance with the invention recited in Claims 1-36, 102, and 103. Accordingly, Claims 107-132 are respectfully submitted to be drawn to the same invention as Claims 1-36, 102, and 103. Therefore, examination on the merits of Claims 107-132 is respectfully requested.

With regard to the rejection of Claims 2, 3, 8, 11, and 19-21 under 35 U.S.C. §112, second paragraph, Claims 1, 3, and 8 are amended to provide antecedent basis for "recording

[1]See, e.g., the specification at page 16, lines 8-19.

medium identifier" and Claims 11, 19, and 21 are amended to provide antecedent basis for "data store." Claim 2 is canceled without prejudice or disclaimer. Accordingly, Claims 3, 8, 11, and 19-21 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 29, 30, 36, 37, and 102-105 under 35 U.S.C. §101, Claims 29 is amended to recite that a reproducing apparatus accesses the material identifiers when reproducing the audio and/or video material. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP §2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP §2106 provides,

> **a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this section, Claim 29 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP §2106 also states that,

> Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection of Claim 29 (and Claim 30 dependent therefrom) under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

With respect to Claims 36, 37, and 102-105, Claims 36, 102, and 103 are amended to recite "A computer program product including computer executable instructions, wherein the instructions, when executed implement the method of claim ... when run on a digital signal processor." Claims 37, 104, and 105 are canceled without prejudice or disclaimer. As amended Claims 36, 102, and 103 properly recite an article of manufacture, the rejection of Claims 36, 102 and 103 under 35 U.S.C. §101 is believed to be overcome.

With regard to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Dorricott, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

> a second generator configured to generate second identifiers for pieces of material, the second identifiers being generated in accordance with the first material identifiers and a recording medium identifier for identifying the recording medium upon which the material is recorded, and
>
> a metadata generator configured to generate semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with the first identifier and the recording medium identifier.

In contrast, Dorricott relates to the archiving of video. Specifically, the system in Dorricott uses editing decision lists to identify shot boundaries and the like for archiving purposes. As described in Dorricott, pieces of video material are stored in a database after having a UMID attributed thereto. In the editing database, a UMID, data for locating the material, copyright information, and an edit decision list (EDL) is stored.[2] It is noted that the EDL is stored separately from the material. It is respectfully submitted that Dorricott does not teach or suggest the generation of semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a first identifier and a recording medium identifier.

[2]See Dorricott, page 3, lines 14-21.

In this regard, in Dorricott the archive database only stores the name of the video material, time codes of the boundaries of the shots, picture stamps, copyright information, and data for locating the files in the archive. The picture stamps are defined by time codes in the material. Thus, even assuming *arguendo* the picture stamps are asserted to be semantic metadata, the picture stamps are stored in the archive database. There is no disclosure of, or requirement for, the picture stamps needing a recording medium identifier. In other words, in Dorricott, there is no disclosure of associating semantic metadata with the first identifier and the recording medium identifier in combination, as claimed. Therefore, Dorricott does not teach or suggest "a metadata generator" as defined in amended Claim 1. Consequently, amended Claim 1 (and Claims 3-15, 133, and 134 dependent therefrom) is not anticipated by Dorricott, and is patentable thereover.

With regard to the rejection of Claim 7 as unpatentable over Dorricott in view of Wilkinson, it is noted that Claim 7 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Wilkinson does not cure any of the above-noted deficiencies of Dorricott. Accordingly, it is respectfully submitted that Claim 7 is patentable over Dorricott in view of Wilkinson.

Claims 16, 23, and 31 also recite a metadata generator configured to generate semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a first identifier and a recording medium identifier. Thus, Claims 16, 23, and 31 (and Claims 17-22-24-28, and 32 dependent therefrom) are patentable over Dorricott for at least the reasons described above with respect to Claim 1.

Claim 29 recites in part "the medium further including semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with the first identifier and the recording medium identifier." As noted above, Dorricott does not teach or

suggest the generation of semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a first identifier and a recording medium identifier. Thus, Dorricott cannot teach or suggest a medium storing semantic metadata as recited in Claim 29. Thus, Claim 29 (and Claim 30 dependent therefrom) is patentable over Dorricott for at least the reasons described above with respect to Claim 1.

Claims 33-35 recite in part "generating semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with the first identifier and the recording medium identifier." As noted above, Dorricott does not teach or suggest the generation of semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a first identifier and a recording medium identifier. Thus, Claims 33-35 (and Claims 36, 102, and 103 dependent therefrom) are patentable over Dorricott for at least the reasons described above with respect to Claim 1.

New Claims 133 and 134 are supported at least by original Claims 1 and 4. As new Claims 133 and 134 dependent from Claim 1, new Claims 133 and 134 are patentable over Dorricott for at least the reasons described above with respect to Claim 1.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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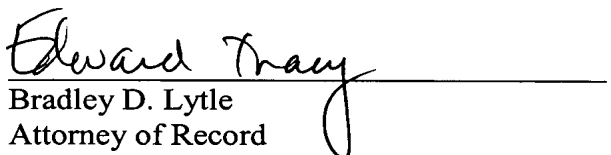

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